

Department of Environmental Protection and Resource Management  
105 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No.71376

Ronald J. Heim  
1726 Eastern Avenue  
Baltimore, MD 21221

1711 Earhart Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on January 13, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, 431, failure to cease open dump, failure to cease use of residential property for commercial business (tow storage, storage of untagged vehicles and car parts, failure to cease outside storage of untagged/inoperative vehicles, failure to cease service garage activities on residential property known as 1711 Earhart Road, 21221.

On December 11, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,600.00 (one thousand six hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 23, 2009 for removal of untagged/inoperative motor vehicles, remove open dump/junk yard, cease service garage activities, remove trash and debris, cease use of residential lot for commercial purposes. This Citation was issued on December 11, 2009.

B. Photographs in the file show several untagged cars and trucks, tires, and a tow truck on this residential lot. The lot is zoned DR 5.5. It is located behind a commercial building that fronts on Eastern Avenue, and appears to be in use as a storage and staging area for that commercial building and its automotive service and towing business. A chain link fence with a large gate surrounds the lot. There are private residences on both sides of this vacant lot. Photographs also show piled lumber and piles of old tires. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Automotive service garages are not permitted in residential zones; a residential garage can only be used for the storage of private motor vehicles and cannot be used to repair or equip vehicles. BCZR Section 101.1, Section 1B01.1. Respondent has violated this zoning restriction.

D. Using this residential lot for service garage, junkyard, and automotive storage impermissibly infringes on the residential neighborhood. The County's zoning regulations are adopted and enforced to protect neighboring uses of property and "[f]or the purpose of promoting the health, security, comfort, convenience, prosperity, orderly development and other aspects of the general welfare of the community." BCZR Section 100.1. Review of the file shows that code enforcement notices were previously issued to Respondent for similar zoning violations, and that the violations have been corrected but have then recurred. Notes in the file state that code enforcement cases previously opened include cases in 2000, 2001, 2005, and 2008.

E. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below. However, because it is apparent that Respondent has knowingly violated zoning restrictions, the civil penalty will not be rescinded. If the violation is not corrected, the full civil penalty shall be imposed, Respondent will be subject to additional Citation, and the County will be authorized to remove all untagged vehicles and all junk, trash and debris, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,600.00 (one thousand six hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$1,000.00 (one thousand dollars) if the violations are corrected by March 2, 2010.

IT IS FURTHER ORDERED that after March 2, 2010, the County may enter the property for the purpose of removing any untagged or inoperative vehicles, at Respondent's expense.

IT IS FURTHER ORDERED that after March 2, 2010, the County may enter the property for the purpose of removing all junk, trash, and debris, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17<sup>th</sup> day of February 2010.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer